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ABSTRACT

The English-only movement, which promotes a Constitutional Amendment that would make English the official language of the United States, represents a threat to the Constitutional rights of non-English speaking citizens. This nation's founders--faced with a linguistically and culturally diverse population--did not see a need to mention language choice at all either in the Declaration of Independence or the Constitution. From the colonization period to World War I, bilingual schooling was common. World War I fostered nationalism and isolationism in the United States, and the existing cultural pluralism shifted toward cultural assimilation. The modern revival of public bilingual education in the United States evolved in the 1960's in the context of minority rights. The 1980's have seen a return to nationalism, isolationism, and low tolerance for cultural differences. In this political climate, a small but growing group of legislators, backed by a private organization known as U.S. English, has launched a campaign to eliminate the public use of non-English languages. The English-only proponents are not just fearful--they are confused, and they have not learned from history. What keeps the U. S. society together is tolerance for cultural, religious, social, political, and even linguistic differences. (JHZ)

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Legalizing the Status of English:
A New Form of Oppression
for Language Minority Groups

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Paper presented at Sixty-fifth Annual Meeting, Southwestern Social Science Association, Dallas, Texas, March 18-21, 1987

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Legalizing the Status of English: A New Form
of Oppression for Language Minority Groups

The title of my presentation: Legalizing the Status of English: A New Form of Oppression for Language Minority Groups complements the theme of this conference: The American Constitution's Effectiveness After Two Centuries. I think we would agree that the constitution continues to be a powerful source of protection for all of us. The focus of my remarks in this presentation is in response to efforts by a movement found both at the national and state level whose goal is to introduce a Constitutional Amendment that would make English the official language of this country. On the surface this seems to be a benign or neutral question. My presentation will deal with why this movement represents a threat to the Constitutional rights of non-English speaking citizens and why this is an issue that not only merits, but warrants close scrutiny by civic leaders and fellow social workers to preserve the rights and dignity of language minority groups. In our professional Code of Ethics we embrace a commitment to promote social justice and preserve the dignity and respect of all persons. We commit ourselves to expand choice and opportunity for all persons, with special regard for disadvantaged or oppressed groups or persons (NASW Code of Ethics, 1980).

To facilitate understanding of the relevant issues surrounding the question making English official I will present background information to show how language policy changes in the U.S. have been associated with periods of nationalistic concerns, and how the goals of the U.S. English movement present a potential threat to the Constitutional rights of language minority groups.

History of Language Policy

A brief history of ethnic groups in America will shed light on how linguistic minorities were viewed and treated in the past. Historical accounts of linguistic minorities in the U.S. usually portray America as a nation of immigrants from the "old world." What we fail to appreciate is that North America was inhabited by over a million American Indians who had their own languages, some historians suggests that several hundred languages existed (Brisk, 1981). Another group that does not conform to the image of European immigrants are the large number of Spanish speaking Mexicans who resided in the territories which later became the states of Arizona, California, New Mexico and Texas. After the Mexican-American war, the Spanish speaking Mexicans living in these territories suddenly became linguistic minorities in their place of birth (Leibowitz, 1980). The language history of Blacks is even more tragic. There is little record of the first Africans brought to this country. They were brought to this country forcibly and completely cut off from their past. They were robbed of their language and culture (Grier & Cobbs, 1965).

The first group of immigrants were primarily from Northern Europe. In 1607, the English population settled on the Atlantic coast. Germans, a year later, settled in communities spreading from New York to Georgia, in the midwest, and Texas. The French during the same period (1608) settled in communities spreading from the North Atlantic coast which is now Canada to the Midwest, New England, and advanced to the Gulf of Mexico dominating the cultural life of the vast Louisiana Territory after the Spanish Crown began to desert in 1682. Dutch and Swedes established colonies during this period, mainly in New York, Pennsylvania, and Delaware. Finally, the Russian occupation of Alaska in 1774 spurred settlements as far south as the present state of California (Brisk, 1981.)

The needs of non-English speaking populations were recognized early in the nation's history. The Acts of the Continental Congress from 1774 to 1779, made provisions for the publication of documents in German for the benefit of large German speaking population. Federal laws were also printed in French in 1806 for the benefit of French speaking immigrants, and all laws pertaining to the Louisiana territory were printed in Gothic English and French by federal mandate. New Mexico's first laws were drafted in Spanish because there were few English speakers (Ambert & Melendez, 1985).

From colonization period until World War I, schooling which was bilingual or in languages other than English was common (Keller & Van Hooft, 1982). School laws in the 1800s in Ohio (1839), Wisconsin (1846), Colorado (1867), Oregon (1872), Maryland (1874), and Minnesota (1867), addressed the language issue in school instruction.

The onset of World War I fostered sentiments of nationalism and isolationism in United States society, and existing concepts of cultural pluralism shifted toward the idea of cultural assimilation of all ethnic groups into a common monolingual, monocultural English speaking society.

A wave of "English only" legislation began at the turn of the century. Leibowitz (1969) described the period 1890-1923 as the "heyday of fear of foreigners" legislation. During this period the number of states requiring English to be the exclusive medium for instruction in public and private schools more than tripled, to approximately thirty-four. In seven of these states the statutes provided for revoking certification if a teacher committed the "criminal act" of teaching in a language other than English (Zirkel, 1977, p. 409).

World War I killed public bilingual schools in the United States and injured private ones, not withstanding two restraining actions by the United

States Supreme Court. In 1923 Meyer v. Nebraska, the Court held unconstitutional a Nebraska statute prohibiting teaching in and of foreign languages in the public and private schools. In the 1927 case, Farrington v. Tokushige, it similarly struck down territorial legislation in Hawaii which regulated the Islands' private foreign language schools (Zirkel, 1977, p. 409).

The period of 1920 to 1963 saw the disappearance of bilingual instruction in the United States and gave rise to interest in social studies. The National Defense Act of 1958 initiated a partial recovery in the teaching of foreign languages, but little interest in bilingual education (Andersson, 1969). Zirkel, Saville, Troike and others credit the 1963 experience of the Coral Way School in Dade County, Florida as the beginning of the new movement in bilingual education with the culmination of the passage of Title VII of the Elementary and Secondary Education Act (ESEA) in 1967.

The modern revival of public bilingual education in the United States evolved within the context of minority rights that in various forms defined the critical social issues of the 1960s. As part of the social awareness inherent in President Johnson's war on poverty, it was felt that ethnic poverty, exacerbated by unilingual teaching in English, seriously impaired the educational opportunities of non-English speaking children. Since education was a basic right, it was argued that the schools had an obligation to use the native languages of non-English-speaking children as the medium of instruction. (Cordasco, 1983).

In the 1980s we once again have an administration that has fostered sentiments of nationalism, isolationism and low tolerance for persons in our society who are or by choice elect to be different. Various conservative groups abound that seek to curtail the advances gained by Civil Rights groups in the past. The 1964 Civil Rights Act which allows for preferential treatment

of minorities and women is under attack because these groups maintain this Act results in reverse discrimination. International trade wars are contemplated to correct our nation's balance of trade problems. Large migrations of people from Asia, Central and South America are viewed as a threat to maintaining the "American way" of life. Print and media commentators that use non-English languages are viewed as organized efforts to set up a separatists society. Thus a group that seeks to preserve the use of English in America evolves.

History of U.S. English Movement

Over the last six years, a small but growing cadre of legislators, backed by a private organization known as U.S. English, has launched an attempt to eliminate the public use of non-English languages. These individuals seek to amend the United States Constitution to establish English as the official language of the United State and limit what they view as "creeping bilingualism." U.S. English also has mounted similar state and local initiatives, including successful passage of Proposition 63, a measure that amends the California state constitution to establish English as the official language.

Most Americans are genuinely surprised to learn that the U.S. Constitution does not currently make provision for an "official" language. English is so clearly our common language that many regard attempts to so amend the Constitution as akin to establishing a national flower, song or bird. Early proponents encouraged this interpretation of the "English Language Amendment" (ELA) as a symbolic measure. However, when individuals associated with the Federation for American Immigration Reform (FAIR) founded U.S. English, the ELA was soon promoted as a response to the dangers caused by recent immigrants who allegedly were refusing to learn English and assimilate (Tomas Rivera Center, 1986).

While U.S. English is the largest private organization championing prescriptive language legislation -- the organization claims 200,000 dues-paying members -- other organizations have also adopted the issue. "English First," a newly organized group of state legislators operates a political action committee (PAC) to press for the adoption of state and federal amendments. Another organization, the Council on Inter-American Security, published a report earlier this year warning of the language crisis, the dangers of terrorists crossing the U.S. Mexican border, and the alleged intent of Hispanic leaders to establish a separate nation within the United States. Still another organization, "Save our Schools," conducted a massive fund raising drive in 1986, assisted by fund-raiser Richard Viguerie, asking individuals to contribute money to eliminate bilingual education and the threat of bilingualism (Ibid, 1986)

Supporters of the English Language Amendment (ELA) and its related legislation claim that these measures will extend "legal protection" to the English language, whose primacy is threatened by the increasing number of non-English speaking immigrants and the public use of non-English languages. U.S. English and its sister organizations view the English language as the primary "glue" which binds our heterogeneous nation together and see ethnic enclaves as divisive and dangerous. The availability of services and materials in non-English languages, they believe, allows immigrants to resist learning English and to preserve their native language at the expense of English (Madrid, 1986). Thus the solution is to attack those institutions, laws and practices that support the use of languages other than English. Of course, the major efforts are directed at abolishing the Bilingual Education Act (1968), the Court Interpreters Act (1978), and the Language Minority Amendments to the Voting Rights Act (1976).

Implications/Discussion

History shows that restrictive language policies have not worked in the past. One of the principal strengths of our society has been its diversity in our population make up. The founders of this nation were confronted with the existence of a linguistically and culturally diverse population: the increasing necessity of participating full in in worldwide science and commerce; and the need to provide widespread access to education. Despite these needs and concerns, our nation's leaders did not propose legal solutions to the problems arising from linguistic diversion. No mention of language choice is made in the Declaration of Independence or in the U.S. Constitution.

What makes the U.S. so attractive to other people are the protections and opportunities our nation offers. What keeps our society together is tolerance for cultural, religious, social, political and even linguistic differences. The power and the creativity of our diversity is the real promise of this society.

The proponents of English-only are not just fearful: they are confused and obviously have not learned from history. Language minority groups too want to learn English. What we need to ask is--what are we doing to facilitate the learning of English by the new immigrants? If English only proponents want others to learn English they need to join others to promote rather than merely prescribe it. If the unity and integrity of our nation are their goals, then they must learn to respect and tolerate diversity in all its forms. (Madrid, 1986).

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